

# CITY OF SAN BRUNO

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## STAFF

Terry Jackson, *Interim Community Development Director*  
Gary Binger, *Interim Planning Director*  
Aaron Akin, AICP, *Planning Manager*  
Mark Sullivan, AICP, *Housing and Redevelopment Manager*  
Beilin Yu, *Associate Planner*  
Lisa Costa-Sanders, *Contract Planner*  
Adam Finestone, *Recording Secretary*  
Pamela Thompson, *City Attorney*

## PLANNING COMMISSIONERS

Joe Sammut, *Chair*  
Sujendra Mishra, *Vice-Chair*  
Mary Lou Johnson  
Bob Marshall Jr.  
Kevin Chase  
Rick Biasotti  
Perry Petersen

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## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING COMMISSION MINUTES

July 19, 2005

San Bruno Senior Center  
1555 Crystal Springs Blvd.  
7:00 P.M. to 10:00 P.M.

CALL TO ORDER at 7:01 pm

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Sammut	X	
Vice Chair Mishra	X	
Commissioner Johnson	X	
Commissioner Marshall	X	
Commissioner Chase	X	
Commissioner Biasotti	X	
Commissioner Petersen	X	

### STAFF PRESENT:

Planning Division: Planning Manager: Aaron Akin  
Housing and Redevelopment Manager: Mark Sullivan  
Associate Planner: Beilin Yu  
Interim Department Secretary: Adam Finestone

City Attorney: Pamela Thompson

Pledge of Allegiance: Commissioner Petersen

### 1. Approval of Minutes – June 21

## **Motion to Approve minutes of June 21, 2005 Planning Commission Meeting**

### **Johnson/Biasotti**

VOTE: 6-0  
AYES: All Commissioners Present  
NOES:  
ABSTAIN:

## **2. Communication**

Planning Manager Akin informed the Commission that the applicant from 2550 Catalpa Way called him prior to the meeting to request a continuation of her item after reading the staff report and receiving the petition from the neighbors. Due to the number of people in the audience here to speak on this item, Planning Manager Akin recommended that public comment be opened on this item when the time comes.

Commissioner Petersen asked staff if the applicant from 2550 Catalpa Way was present, as it would be a shame for them to miss the public testimony that may take place tonight. Planning Manager Akin answered in the affirmative, stating that he told the applicant he was going to recommend public comment be opened.

## **3. Public Comment**

None at this time.

## **4. 1178 El Camino Real (Avis Rent-A-Car)**

Request for a conditional use permit to allow installation operation of an Avis Car Rental facility inside the existing Sears Auto Center at 1178 El Camino Real per Chapters 12.96.190 and 12.112 of the San Bruno Zoning Ordinance – Mike Albertolle, Cendant Car Rental Group/Avis (Applicant), Gregg Wold, Sears Auto Center (Property owner).  
**UP-05-23**

Planning Manager Akin entered staff report.

### **Commissioner Marshall arrived at 7:04pm**

Staff recommends approval of Use Permit 05-23 based on Findings for Approval 1-9 and Conditions for Approval 1-10.

Commissioner Petersen asked if this space was currently being used by Sears for another purpose. Planning Manager Akin stated that it is currently being used in conjunction with Sears' tire center. Commissioner Petersen stated his belief that the

plans showed the space's current use as appliance repair. Planning Manager Aknin stated that he believed it is used for the tire center, but that the applicant could better answer that question.

Mike Albertole, with Avis Rent-a-Car, stated that the space to be used was a former Jiffy-Lube office, and is currently vacant.

Chair Sammut asked what the need for a location at Tanforan Mall was since there is also an Avis location at the San Francisco Airport, and one in South San Francisco. The applicant stated that Avis is trying to increase their points of distribution and felt that a small location in the redeveloped mall would be a great opportunity. He stated that with the number of body shops in the area, a car rental location is necessary. He also stated that Sears and Avis have a partnership where Sears customers can use their Sears credit cards to rent cars from Avis.

Public comment opened.

Public comment closed.

**Motion to approve Use Permit 05-23 subject to Findings of Fact 1-9 and Conditions of Approval 1-10.**

**Johnson/Petersen**

VOTE: 7-0  
AYES: All Commissioners Present  
NOES:  
ABSTAIN:

**FINDINGS OF FACT**

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on Thursday, July 7, 2005, and legal notice published in the San Mateo Times, Saturday, July 9, 2005.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. This project is exempt per CEQA Class 3, Section 15303(c); conversion of small structures; (a store, motel, office, restaurant or similar structure, not involving the

use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area).

5. The use as a car rental facility will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood.
6. The use will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the City.
7. The use is consistent with the San Bruno General Plan which designates the property for regional/community commercial purposes and use permits are required for other uses located in such areas.
8. The proposal will have no impact on off-street parking.
9. Property is in the San Bruno Redevelopment Area and the proposed improvements are consistent with the San Bruno Redevelopment Plan.

## **CONDITIONS OF APPROVAL**

### **Community Development**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 05-23 shall not be valid for any purpose. Use Permit 05-23 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The proposed use as a car rental facility at 1178 El Camino Real shall be built according to the plans and renderings approved by the Planning Commission on July 19, 2005 except as required to be modified by these conditions of approval. Any modification to the approved plans shall require prior review and approval by the Director of Community Development. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

5. All graffiti shall be removed within 24 hours of reporting.
6. Rental car shall take up no more than 10 parking spaces. Any modifications to this use permit will require Planning Commission review.
7. Provide architect or engineer wet-signed/stamped drawings for Building Department review.

#### **Fire Department**

8. The applicant shall obtain a separate address designation for this tenant space.
9. Visible address numbers shall be installed on the building so as to be legible from the street.

#### **Police Department**

10. Adequate lighting shall be installed in the parking lot to protect customers and vehicles.

Chair Sammut advised of 10-day appeal period.

#### **5. 2550 Catalpa Way**

Request for a Conditional Use Permit to allow construction of a new home, which proposes to exceed the .55 Floor Area Ratio Guideline, the .44 lot coverage guideline, and proposes more than 2,800 square feet of floor area while only a two car carport per Section 12.200.030.B.2, 12.200.030.B.3, & 12.200.080.A3 San Bruno Zoning Ordinance. The applicant is also requesting the Use Permit to allow a large senior care facility (up to twelve beds) in a residential zone per Chapter 12.96 of the San Bruno Zoning Ordinance. – A. Gordon Atkinson (Applicant/Architect); Ruby O'Brien (Owner)  
**UP-05-24**

Planning Manager Aknin entered staff report.

Staff recommends continuation of UP 05-24 to a future Planning Commission meeting.

Leo Moore, the project architect, discussed the timing with which his request for continuation came about. He wishes to address the neighborhood concerns and work with staff to resubmit a project that staff could support.

Commissioner Johnson stated her understanding that the applicant had held a previous meeting with the neighborhood, and asked why he believed a second meeting would be necessary. The applicant asked stated that at the previous meeting, only two neighbors showed up, and thus, he was not aware of the opposition to his project. He believes an additional neighborhood meeting would provide a good basis for addressing neighborhood concerns.

Public comment opened.

Alan Lubke stated that he sometimes has a spotlight shining into his backyard from another one of the applicant's project. He also stated that he uses his garage for storage rather than parking. However, he was not conditioned to use his garage for parking as the applicant was on another one of her projects at 2581 Eucalyptus. He stated that the important aspect of this was the noncompliance of the applicant with conditions placed upon her by this commission. He believed that the commission's directives would be violated again if this application was approved, and stated that the applicant should not be allowed a second chance. He asked that a finding for denial be added to the application regarding the continued non-compliance with conditions of approval of the project at 2581 Eucalyptus.

Susan Santiago, 2551 Catalpa Way, stated that she has been in the neighborhood for about 5 years, and wishes to raise her family in a single family neighborhood. She believes that this project will not fit in with the character of the neighborhood. She supports the right to have senior care facilities, but feels that one of this size is not right for her neighborhood.

Jerrett Laws, 2520 Catalpa Way, just moved into the neighborhood about a year ago. He stated that a house of this size will never be replaced by a single-family use once constructed, and gave examples of other uses that could fill this property if the senior care facility ceased to operate. He also mentioned the potential traffic and parking impacts. He also referred to the potential negative impacts on property values if this project was constructed. Commissioner Petersen asked Mr. Laws if he was objecting to the size of the facility. Mr. Laws answered in the affirmative. Commissioner Petersen asked if the project were smaller, how would he feel about it. Mr. Laws stated that he would not be opposed to something smaller, as the elderly do need a place to be.

Chair Sammut asked the audience to refrain from applauding or otherwise when a speaker finishes.

Stone Lance, 2500 block of Catalpa Way, stated that the applicant is not proposing a new home, but instead a commercial structure. He stated that the proposed use would be a commercial venture in a residential zone. He also stated his belief that the proposed parking would be inadequate. He stated that a business like this should be in a commercial area. He also referred to the use of resources by this project. He stated that the potential for projects of this sort do away with the family environment. He urged denial at all costs.

Gary Hinoki, 2560 Fleetwood, referenced the applicant's property at 2581 Eucalyptus, stating that it was initially used as a 6-bed facility, and was later changed to an 8-bed facility with the approval of the City Council. He also stated that the project at 2581 Eucalyptus never passed final inspection of its building permit. He also expressed his concern that the handicap ramps provide views into neighboring windows.

Pat Rudy, 120 Elm Ct., has lived in this location for 40 years. She stated that the her street is now used as a turning bay for the project the applicant has at 2581 Eucalyptus, and that her daughter's car was hit in the time since that project became operational. She questioned the need for additional residential care facilities. She feels that there should be a limit.

Mike Amato, 2600 Fleetwood Drive, has lived in San Bruno for over 20 years. He feels that opening a large business such as this, in a residential area is unjust. He agrees with the Staff Report's finding that parking is inadequate. He is also concerned about the increased traffic in this area, the proximity to a playground, and the higher incidences of emergency vehicles.

Mar Amato, 2600 Fleetwood Drive, stated that the invitation for the previous neighborhood meeting made no mention of the number of residents that are intended for this facility, and feels that more of the neighborhood would have shown up if it had been disclosed that 10 or 12 residents might be housed at this facility. She also wondered how many staff members would be working there. She feels that even renters would take better care of the neighborhood than these staff members would. She mentioned the potential increased frequency of emergency vehicles, and the potential for safety concerns of children with more cars in the area. She recommends denial.

Lloyd Chaney, 2610 Fleetwood Drive, is opposed to this project. He referenced the invitation from the applicant which states that this would be the last of 6 units in the neighborhood run by this applicant. He is opposed to any commercialization of the neighborhood. He wonders if Westborough Manor has facilities in the surrounding cities as well. He is opposed to this money-making venture in a residential area.

Greg Montes, 2491 Fleetwood Drive, posed a few questions. He asked what the acuity of these residents is, because that will dictate the frequency of emergency vehicles. He also asked what the staff-to-patient ratio would be, as that will dictate the number of cars parked on site. He is also concerned about storage of hazardous materials such as oxygen, and how the biohazard waste will be removed. He believes the biggest impacts will be parking and increased traffic.

Public Comment closed, it will be reopened when this project is heard again in the future.

Commissioner Biasotti asked staff to have the Code Enforcement Department follow up on the concerns at 2581 Eucalyptus raised by the first speaker. Planning Manager stated that staff would be so instructed.

Commissioner Marshall asked Planning Manager Aknin to describe the difference between staff denying the application versus continuing it. Planning Manager Aknin stated that continuing the project would allow the applicant to work with staff to redesign it, and it could come back to the Commission without findings for denial having been placed on it. If it were denied, it would have to go back to the drawing board and be reheard by the Architectural Review Committee, though it would still remain under the

same application number. Denial starts the process over rather than working with the current application.

Commissioner Johnson asked for clarification on the light shining in the neighbor's yard, as stated during public comment. Commissioner Johnson stated that the house is currently occupied by renters, not a care facility. Planning Manager Akin stated that the member of the public was referring to the applicant's other project at 2581 Eucalyptus, where a motion-sensor light is the issue.

Commissioner Petersen stated that the neighborhood concern validates the findings for denial, essentially that the new structure is not in keeping with the character of the neighborhood, that it will be detrimental to adjacent real property, that it will unreasonably restrict and interfere with light and air of neighboring properties due to size, and that the floor plan is not consistent with scale and floor plans found in the neighborhood. He feels the underlying problem is that this house is on a lot significantly larger than standard lots in San Bruno. Even if it met all zoning requirements, it would be huge compared to the rest of the houses in the neighborhood due to the size of its lot. He feels that the hearing tonight and the facts support denial.

Commissioner Chase stated he is in agreement with Commissioner Petersen.

Commissioner Johnson stated that she understands the concerns of the neighbors, and that their voices need to be heard. However, she does not feel that she could vote for denial without having heard the applicant's presentation. She feels that she has only heard one side of the application, and thus would support the continuation.

Commissioner Marshall asked staff for clarification on whether this application can be considered as a care home because in the past, the Commission has been told to consider additions only on the basis of the structure itself. He stated that he does not feel it matters that this is a care home, and that if a family came with a proposal of this size and with the amount of proposed parking, there would be no question in his mind that it would be denied. He stated that he cannot support a continuation.

Chair Sammut stated his agreement with both Commissioner Petersen and Commissioner Marshall that the structure is too large. He stated that the Commission would likely not approve a house of this size due to both lot coverage figures and inadequate parking. He informed the public that state law allows care facilities of up to 6 patients to go into a residential neighborhood without a Use Permit. He stated that the reason the project is here is two-fold: first, it is too large; and second, it is proposing 12 patients where the maximum allowed without a Use Permit is 6. He stated that the Commission has not yet addressed the use of the facility as it will likely be denied based on size already. He stated that he would vote for denial because it will have to go back to the Architectural Review Committee to get down to a legitimate size for the lot. He informed the architect that he would not vote for any new structure that exceeds the allowable guidelines set forth in the zoning code.

Commissioner Johnson asked staff to address the reality that the structure is not a home. She would vote to deny any home of this size, however she cannot ignore the



fact that this is a board and care facility. City Attorney Thompson stated that the confusion may come with the fact that the term "Use Permit" has two meanings in this case. The portion of the Use Permit that Staff focused on in its report relates to the size of the structure. The second portion of the Use Permit application refers to the use of the facility as a residential care facility. Since this facility has more than 6 beds, it would require the approval of a Use Permit for the use of the facility. Staff has not analyzed the application based on the use of the facility because they could not move past the size of the structure itself. Commissioner Johnson asked if it would be prudent, then, to hear the applicant's presentation. City Attorney Thompson stated that it would first be required that the Commission vote on the applicant's request for continuance. If continuance was denied, then it would be applicable to hear the applicant's presentation.

Commissioner Chase asked City Attorney Thompson if there was a limit to how many facilities can be within an area. City Attorney Thompson stated that there is a state law regarding proximity of certain facilities, but not in the case of residential care facilities for the elderly. Commissioner Chase asked then, if an applicant could operate numerous residential care facilities next door to each other. City Attorney Thompson answered in the affirmative.

Commissioner Marshall asked if the commission would be required to vote to deny the continuance, to which City Attorney Thompson answered in the affirmative.

### **Motion to deny the continuance of UP 05-24**

#### **Marshall/Biasotti**

VOTE:	6-1
AYES:	Sammut, Mishra, Chase, Biasotti, Marshall, Petersen
NOES:	Johnson
ABSTAIN:	

The request for a continuance was denied by the Commission on a 6-1 vote.

Chair Sammut asked if it would be applicable to hear from the applicant at this point. City Attorney Thompson stated that she had made a mistake previously, and that the applicant should have been granted the right to speak prior to voting to deny the continuance. She stated that the Commission should set aside the vote to deny continuance and hear from the applicant. If they still deny continuance, then they should afford the applicant another chance to speak on behalf of their project.

Commissioner Petersen stated that the continuance of this motion has not been agendized. He asked if it was allowable to consider items that had not been agendized. City Attorney Thompson answered in the affirmative. She stated that a number of actions can be considered in the context of this agenda item, and that one of them is to accept the request of the applicant and continue this item. Commissioner Petersen asked if the applicant's request for continuation would require a vote. City Attorney

Thompson answered in the affirmative, stating that the Commission does need to consider the applicant's request and hear from the applicant prior to voting on it.

Chair Sammut asked the applicant to come to the podium to speak on their request to continue the application.

Leo Moore, the project architect, stated that he will accept the Commission's denial and will redesign the project and resubmit it.

Commissioner Mishra asked the applicant if he wished to remove his request for continuation. City Attorney Thompson informed the applicant that if he had anything to say to the Commission with regard to the request for continuation, this would be the time. The applicant pleaded with the Commission to consider the fact that the Staff Report recommending denial and the petition against the project were provided to them only shortly before the meeting, and that he did not have time to address the concerns in the staff report. He understands that staff is very busy, but he feels that he would still be entitled to a continuance due to the late hour of receipt of the materials under question. Until the receipt of the staff report and petition, he had no idea of the opposition to this project.

Commissioner Marshall stated that last week, he had discussed with the applicant concerns over the size and bulk of the project, and that the applicant did have time to address those concerns. The applicant stated that he had submitted revised drawings to staff last Friday, and that the Planning Manager was not present to review them at the time of submittal. He feels this is another reason for continuation. He stated that his offer to increase the parking was not met with much enthusiasm on behalf of staff. He is willing to increase the parking on site. Commissioner Marshall restated to the applicant Planning Manager Akin's statement of the difference between continuation and denial; mainly that denying the project without prejudice would require that it be sent back to the Architectural Review Committee. Commissioner Marshall stated his belief that the changes required to bring the project down to acceptable size would be so great that it would require an additional review by the Architectural Review Committee. The applicant stated that he would have no objection with going back to the Architectural Review Committee, but would ask that he be scheduled for that meeting in a timely manner.

Commissioner Petersen asked the applicant if he would be willing to accept a continuance that was conditioned to return to the Architectural Review Committee prior to being reheard by the Planning Commission. The applicant answered in the affirmative. Commissioner Petersen stated that there is not much difference between this and a denial, other than requiring two motions rather than one.

Commissioner Marshall asked staff if they have a recommendation one way or the other as to continuing the project with a requirement to go back to the Architectural Review Committee, or denying it. Planning Manager Akin stated that there is no real difference as far as staff is concerned, so that it is up to the Commission.

Commissioner Biasotti asked staff what the soonest date would be to get the application back on the calendar for an Architectural Review Committee meeting. Planning Manager Akin stated that it would depend on how long it would take the applicant to redesign their project. He also stated that there will be two Architectural Review Committee meetings in August, and that the project would be able to be placed on one of those agendas.

Commissioner Chase asked if the applicant would be able to appeal a decision for denial to the City Council. City Attorney Thompson answered in the affirmative.

**Motion to continue UP 05-24 to a future meeting subject to Conditions of Continuation 1-2.**

**Marshall/Biasotti**

Commissioner Petersen stated his support for continuance.

Commissioner Johnson asked Staff if they had a size to which the project should be reduced to. Planning Manager Akin stated that while it would be advisable to not exceed the 2,800 feet of floor area with only a two-car garage, it is difficult to play the numbers game without a concrete proposal in front of him. He stated that he would be willing to sit with the applicant to help redesign the project.

Commissioner Petersen stated that while there are a lot of benefits to facilities like this one, he believes that this application will not succeed, even if redesigned, due to the neighborhood opposition even if it meets development guidelines.

Commissioner Johnson advised the public to make sure that their contact information is on file if they wish to be notified of the upcoming meetings.

Chair Sammut called for a vote on the motion on the table.

VOTE: 7-0  
AYES: All Commissioners Present  
NOES:  
ABSTAIN:

**CONDITIONS OF CONTINUATION**

**Planning Commission:**

1. The applicant shall conduct a neighborhood meeting, mediated by City Staff, prior to the Planning Commission hearing this item again.
2. The applicant shall present the project to the Architectural Review Committee at a future meeting prior to the Planning Commission hearing this item again.

## **6. 141 Santa Lucia Avenue**

Request for a Conditional Use Permit to allow the construction of a first floor addition which proposes to increase the gross floor area by more than 50%, exceed the floor area ratio guideline of .55, and exceed the lot coverage guideline of .55, per Sections 12.200.030.B.1, B.2, and B.3, of the San Bruno Zoning Ordinance – Gary Mapa (Owner/Applicant), Joe Pela (Architect) **UP-05-34**

**Commissioner Biasotti recused himself from this item as he lives within 500 feet of the project site.**

Associate Planner Yu entered staff report.

Staff recommends approval of Use Permit 05-34 based on Findings for Approval 1-9 and Conditions for Approval 1-17.

Gary Mapa, the homeowner, stated that he is proposing to add four additional bedrooms because he has 6 children.

Chair Sammut asked the applicant if he had brought color samples to the meeting as recommended by the Architectural Review Committee. The applicant stated that all colors and materials are to match the existing house, and presented a board with the existing materials on it.

Commissioner Johnson asked the designer his reason for placing the door next to the garage where he did. She asked if it would lead right into the garage, to which the applicant answered in the affirmative. Commissioner Johnson asked the applicant if he would consider moving it to the side. The designer stated that the applicant preferred it in front because it would allow for easy access by wheelchairs or strollers in the future. Commissioner Johnson stated that she finds the door does not work architecturally with the rest of the front façade, and recommended that it be moved to the side of the garage.

Commissioner Petersen asked the applicant if the plans showed the existing structure in solid lines and the proposed structure in open lines. The designer stated that the existing is on the left of the sheet and the proposed is on the right. Commissioner Petersen then asked staff if there is a reason that staff has not asked required separate existing and proposed floor plans. Associate Planner Yu stated that at the Architectural Review Committee, the applicant had provided separate floor plans, but had not submitted them for this meeting. She offered to describe the existing and proposed plans on the overhead projector. Commissioner Petersen stated that this was not necessary, but that in the future, staff should make sure to include an existing floor plan as a separate drawing.

Commissioner Chase stated that at the Architectural Review Committee meeting, the Committee had asked for the door on the north elevation to be redesigned to match the existing architecture, not the door on the front façade between the front door and the garage door. He feels there was a misunderstanding as to what the Committee was

asking for. He stated that the door between the front door and the garage door should be on the side of the house. Additionally, he believes that the door on the north elevation should have been redesigned. The applicant stated that this door on the north elevation serves as an entrance to the courtyard. Commissioner Chase stated that this side door needs to be given some sort of architectural feature, but does not necessarily need to match the front door. Chair Sammut instructed staff to work with the applicant to design an architectural feature on the side door.

Commissioner Johnson stated her understanding that after conducting a site visit, the front door was on the south elevation, not the north elevation as shown on the plans. The designer referred to the site plan which shows the north arrow, and stated that the elevations should be looked at in reference to the north arrow, not the labels on the elevations. Associate Planner Yu stated that she would have the applicant re-label the elevations prior to building department submittal.

Public comment opened.

Public comment closed.

**Motion to approve Use Permit 05-34 subject to Findings of Fact 1-9 and Conditions of Approval 1-17 plus changes requested to be addressed.**

**Chase/Petersen**

Commissioner Petersen asked if the allowable lot coverage figure was listed correctly at 55%. Planning Manager Aknin answered in the affirmative, stating that the lot coverage is the same as the floor area in an R-2 zone.

Commissioner Marshall asked for clarification on whether the relocation of the second door on the front elevation to the side is to be added as a condition of approval. Commissioner Chase answered in the affirmative. Commissioner Petersen asked that that condition not be placed on the project, as requiring a turn to get off the ramp and into the door increases the possibility for the overturning of a wheelchair. Commissioner Chase agreed to withdraw this condition.

Commissioner Sammut asked staff that if the purpose of the ramp is for wheelchair accessibility, does the door then need to be wheelchair accessible? Planning Manager Aknin stated that if the doors were required to meet Americans with Disabilities Act compliance, then it would be required to be wheelchair accessible, but otherwise it would not.

VOTE: 6-0  
AYES: All Commissioners Present  
NOES:  
ABSTAIN:

## **FINDINGS OF FACT**

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on Friday, July 8, 2005, and legal notice published in the San Mateo Times, Saturday, July 9, 2005.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will compliment the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for single family residential purposes.
8. The off street parking is adequate for the proposed residence.
9. Property is in the San Bruno Redevelopment Area and the proposed improvements are consistent with the San Bruno Redevelopment Plan.

## **CONDITIONS OF APPROVAL**

### **Community Development Department**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 05-34 shall not be valid for any purpose. Use Permit 05-34 shall expire one (1) year from the date of Planning

Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for the construction of an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on July 19, 2005, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit or a small day care center. No portion of the residence shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of two (2) motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

#### **Department of Public Works**

8. Storm water from new and existing roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through an under sidewalk curb drain to the gutter.
9. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
10. Remove weeds and grass from sidewalk, curb and gutter. Prune other plantings in right-of-way.
11. No fence, retaining wall or other permanent structures to be placed within 2' from back of sidewalk. San Bruno Municipal Code 8.08.010.
12. During the Building/Planning Review or site visit, it was noticed that you have a fence in front built within the City public right-of-way. In accordance with San

Bruno City Code Section 8.08.010 and or Section 5.04.070, this structure is prohibited. You are not required to remove it at this time, you need to be aware that it may be located over top of a public utility. If an emergency does arise that requires City or approved contractor crews to access this utility, the City and or contractor, will not be responsible for any cost associated with the removal or repair of the structure.

13. A sanitary sewer lateral clean-out shall be installed at property line, per City standards detail SS-01. Verify that City crews can access existing sanitary sewer lateral clean-out. Upgrade to City standards if required.
14. A permit shall be required from Parks Department for planting.
15. Replace all broken or raised concrete in sidewalk or driveway approach as marked per San Bruno Municipal Code 8.12.010, City Standards 7 & 8.
16. Paint address number on face of curb near driveway approach. Black lettering on white background.

#### **Fire Department**

17. The project must comply with all future Fire Department conditions, as required during the plan check review by the Building and Safety Department.

#### **Planning Commission**

18. The applicant shall work with staff to add some sort of architectural element to the door on the north (side) elevation.

Chair Sammut advised of 10-day appeal period.

**Commissioner Biasotti returned to the room.**

#### **7. 565 3<sup>rd</sup> Avenue**

Request for a Conditional Use Permit to allow the construction of a first and second story addition which proposes to increase the gross floor area by more than 50%, and exceed the floor area ratio guideline of .55, per Sections 12.200.030.B.1 and B.2 of the San Bruno Zoning Ordinance – Antonio and Mirna Maramonte (Owners/Applicant) **UP-05-35**

Associate Planner Yu entered staff report.

Staff recommends approval of Use Permit 05-35 based on Findings for Approval 1-9 and Conditions for Approval 1-15.



Commissioner Petersen asked if the allowable lot coverage factor should be 44% instead of the 55% listed in the staff report. Associate Planner Yu answered in the affirmative.

Antonio Maramonte, the owner/applicant, briefly described his project. He stated that his reasons for expanding the house are mainly due to his growing family.

Commissioner Chase asked the applicant why he chose not to set the second floor back three feet on the front façade as recommended by the Architectural Review Committee. The applicant stated that he had proposed adding a roof overhang instead. Commissioner Chase stated that he feels the front façade would still have a very large mass if it were not setback. Commissioner Marshall suggested adding a roof-overhang on the first floor which would give the appearance of a setback on the second floor. The applicant stated his reasoning for not setting back the second floor, but agreed with Commissioner Marshall's suggestion to add a roof-overhang on the first floor.

Chair Sammut asked the applicant if he had read and was in agreement with the conditions of approval being placed on his project. The applicant answered in the affirmative.

Public comment opened.

A property owner on 2<sup>nd</sup> Avenue stated her displeasure with the proposed addition being too large for the neighborhood. She stated that the two cars in the applicant's driveway stick out into the sidewalk, and that people would have to go into the street in order to get by. She doesn't believe the proposed addition will do anything to alleviate that problem. She voiced her opinion that there are already too many two-story houses in the neighborhood. She stated that the proposed second floor would disturb the privacy of adjacent houses. She stated that some privacy could be preserved if the side and rear windows were frosted glass, and the rear porch were eliminated. She stated that approval of this project will only lead to future approvals of other similar projects.

Public comment closed.

Commissioner Johnson stated that it was nearly impossible to add any space to the sides or back of the house due to the lot size and configuration. She stated that there are two-story apartments to the rear, and across the street. She stated that she did not notice any potential privacy issues for neighbors, and for those reasons, she supports this project as designed.

Commissioner Marshall asked staff if the fact that the roof eaves are within the 3-foot setback would create a fire safety issue. Planning Manager Aknin stated that it will be required to fire rate the eaves at the time of building permit issuance.

**Motion to approve Use Permit 05-35 subject to Findings of Fact 1-9 and Conditions of Approval 1-15.**

**Johnson/Chase**

Commissioner Marshall asked if this motion includes the condition to add a covered front porch. Commissioner Marshall answered in the affirmative, and this condition will be added as Planning Commission Condition of Approval 16.

Planning Manager Aknin stated that the Commission must remove Condition of Approval 3 if they no longer desire a 3 foot setback on the second floor. The Commission agreed to this removal, and therefore the motion includes 15 Conditions of Approval.

VOTE: 7-0  
AYES: All Commissioners Present  
NOES:  
ABSTAIN:

### **FINDINGS OF FACT**

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on Friday, July 8, 2005, and legal notice published in the San Mateo Times, Saturday, July 9, 2005.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the materials found in the immediate neighborhood and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for single-family residential purposes.

8. The off-street parking is adequate for the proposed residence.
9. Property is in the San Bruno Redevelopment Area and the proposed improvements are consistent with the San Bruno Redevelopment Plan.

## **CONDITIONS OF APPROVAL**

### **Community Development Department**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 05-35 shall not be valid for any purpose. Use Permit 05-35 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on July 19, 2005, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. Lane projection limited to 12" on each side.

9. The project must comply with all aspects of the 2001 California Building Code.

### **Department of Public Works**

10. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
11. A sanitary sewer lateral clean-out shall be installed at property line, per City standards detail SS-01.
12. Storm water from new and existing roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
13. Replace all broken or raised concrete in sidewalk or driveway approach as marked per San Bruno Municipal Code 8.12.010, City Standards 7 & 8. Marking shall take place under Building Review.
14. No fence, retaining wall or other permanent structure shall be placed within 2' from back of the sidewalk.

### **Planning Commission**

15. Add a covered front porch on the front façade in order to achieve the appearance a setback second story.

Chair Sammut advised of 10-day appeal period.

**A brief intermission was taken in order to change the tape.**

### **8. Skycrest Center (100 Skycrest Center)**

Request for a General Plan Amendment to change the land use designation from Neighborhood Commercial to Medium Density Residential; a Zoning Code Amendment to change the zoning from Neighborhood Commercial District (C-N) to Planned Development District (P-D); Certification of a Negative Declaration of Environmental Impact, and; a Development Agreement, allowing the development of 27 single-family homes on the southeastern 2.59-acre portion of the Skycrest Center (Assessor's Parcel No.: 019-281-010); per Chapter 12 of the San Bruno Municipal Code and City Council Resolution No. 1986-77. Kenmark Real Estate Group (Applicant/Developer); Willow Green Associates (Owner/Co-Applicant) **GPA-04-01, PD-04-01, DA-05-01**

**Commissioner Biasotti recused himself from this hearing as he is the manager of a store at the subject property (Skycrest Center).**

Housing and Redevelopment Manager Sullivan entered staff report including a PowerPoint presentation.

Commissioner Marshall asked for clarification of the proposed lot size due to a discrepancy between the written staff report and the staff presentation. Housing and Redevelopment Manager Sullivan confirmed that the proposed lot size will be 2,800 square feet.

Commissioner Petersen asked if the proposed repair of the parking lot would include fixing the structural failures or just recoating the lot with a slurry seal. Housing and Redevelopment Manager Sullivan stated that where the lot would be dug up for the installation of new infrastructure, it would be repaired, but that for the most part, it would just be slurry sealed. He stated his belief that the Lunardi's side of the parking lot (the side that would remain) is in pretty good shape and would just need a new coat of slurry.

Commissioner Petersen also addressed the parking aspect of the project. He believes the parking situation is adequately addressed with two garage spaces per unit, and two spaces on the pad in front of the garage. If additional parking is required, he understands that there is street parking available in within the project. Housing and Redevelopment Manager Sullivan clarified that there are 12 on-street parking spaces available within the development.

Commissioner Petersen also addressed the landscaping situation on-site. He asked if the City has reviewed the proposed landscape plan and the provisions for it. Housing and Redevelopment Manager Sullivan answered in the negative. He stated his belief that this will occur when the Planned Development Permit is applied for in the future. The current review includes a determination of the general location and density requirements for the landscaping, but not the types of materials and specific locations for landscaping.

Commissioner Petersen also addressed the \$250,000 interest free loan that was mentioned for Lunardi's to be redesigned (exterior only). He asked if a cost study had been conducted to determine if this figure would adequately represent the costs of façade improvements to the existing structure. Housing and Redevelopment Manager Sullivan stated that a study had not yet been conducted, but in the past, Lunardi's had come forth with a façade improvement plan that was later withdrawn for reasons not divulged. Commissioner Petersen expressed his concern that it would not serve anyone's best interest to have a new housing development next to a supermarket that appeared run-down and deteriorating on the exterior. Housing and Redevelopment Manager Sullivan stated that this is the precise reason for the interest-free loan being offered to Lunardi's. Commissioner Petersen asked for confirmation of the fact that a cost study had not yet been conducted to determine if \$250,000 is enough to improve the façade of the existing Lunardi's site. Housing and Redevelopment Manager Sullivan confirmed this fact.

Housing and Redevelopment Manager Sullivan also stated that there will be an opportunity for Lundardi's to purchase the land on which their store sits for a very

favorable rate if this project is approved. This will be done as an attempt to keep the market in place. Commissioner Petersen questioned whether selling the land at an under-market value to the existing tenant would in fact serve to keep them there.

Chair Sammut asked if the \$250,000 loan would be funded by the Redevelopment Agency. Housing and Redevelopment Manager Sullivan answered in the negative. Chair Sammut stated his confusion as to why the City would be in a position to take a loan from the developer to provide to a private business in order to fix their property. He believes the City should remain uninvolved with the loan and let the developer deal with the tenant directly. Housing and Redevelopment Manager Sullivan stated that there is some history behind the reasoning for the City providing the loan, and that he would let the applicant speak to that. Chair Sammut asked Housing and Redevelopment Manager Sullivan if he had negotiated the Development Agreement. Housing and Redevelopment Manager Sullivan stated that staff had negotiated it, but not solely himself. Chair Sammut then asked if there was history behind the \$250,000 loan that was not in the staff report. Housing and Redevelopment Manager Sullivan stated that not every detail of the negotiations was included in the staff report.

Chair Sammut asked if there was anyone present to speak on the Retail Market Analysis. Housing and Redevelopment Manager Sullivan stated that the applicant would be able to do so. Chair Sammut asked if there was anyone representing the City to speak about the Analysis. Housing and Redevelopment Manager Sullivan stated that Keyser Marston had reviewed the report on behalf of the City, but there was nobody present from that firm to speak about it.

Bruce Russell, representing Kenmark Real Estate Group, the applicant, described his company, and gave a project presentation, including a PowerPoint presentation.

Commissioner Marshall asked if the street will be public or private. Mr. Russell replied that the street would be a private street maintained by the home-owners associations.

Commissioner Marshall also asked about the reasoning for having side setbacks of 4' on one side and 1' on the other rather than a 5' setback on one side and a zero-lot line on the other. Mr. Russell stated that the reason for this is to allow for houses' utilities to be on their own property rather than on a neighbor's property. He stated that there will be an easement on each lot granting access to the 1 foot setback to the house next door that has the 4' setback right next to it.

Commissioner Chase asked about the \$250,000 interest free loan to Lunardi's as well as the below-market rate sale price that the developer would offer Lunardi's. He questioned what guarantee the City and the Developer would have that Lunardi's would stay there after all is said and done. Mr. Russell stated that there is no guarantee that these mechanisms will keep Lunardi's in place. He stated that he has been continually adding to the "Lunardi's pot" over the past few years in an attempt to get them to stay there. However, he admits that there is no legal mechanism that can be placed on any establishment to force them to stay in business. He also mentioned the City's control mechanism to keep the site as a commercial site, both currently and in the future. He mentioned the profitability of this particular Lunardi's location. He stated that the best

he could do to encourage Lunardi's to stay where they are is to offer incentives. He stated that if Lunardi's purchased the property and remained for 30 years, their property costs would be about ½ of market rate. He stated that he believes this is a better option to encourage Lunardi's to stay than his firm holding onto the property, renovating it and increasing Lundardi's rent.

Commissioner Marshall asked why the sale of this parcel to Lunardi's cannot be a condition of approval for this project. Mr. Russell stated that his client is not prepared to sell this parcel until the entire project achieves approval. He also stated that he does not believe he could finance his project if it were contingent upon a private party having the decision whether or not to option a piece of property. City Attorney Thompson also stated that legally, it would be a stretch to require the developer's entitlement to be conditioned on the actions of a third party. Commissioner Marshall asked, then, if the potential sale of Lunardi's property could be conditioned on the approval of this project. Mr. Russell referred to the situation that may occur if the property is not sold to Lunardi's, as he feels that this property is not leasable otherwise once Lunardi's lease expires in five years. He turned the question around and asked that if this offer is not afforded to Lunardi's now, where will the City be in five years?

Commissioner Johnson asked why Lunardi's would not choose to buy the property at below market value if that opportunity were afforded to them. She stated her belief, however, that once they own the property, Lunardi's can choose to do with it whatever they so decide. Mr. Russell stated that he can in no way make any guarantees to anyone what Lunardi's will do with the property if they do purchase it. Commissioner Johnson asked staff if there had been any meetings held with Lunardi's to hear their thinking on this proposal. Housing and Redevelopment Manager Sullivan stated that he had contacted the attorney for Lunardi's regarding the potential sale of the property, but had not held any extensive meetings. He stated that he believed that Lunardi's would like to meet with the City to further discuss their options. Commissioner Johnson stated that if Lunardi's did buy the property but did not invest in the upgrade of it, it would send signals that they had plans other than to stay put. Housing and Redevelopment Manager Sullivan stated that at this point there is no way to know this.

Commissioner Chase stated his possible low level of confidence that Lunardi's would in fact stay. It seems that it is taking an awful lot to even get them to think about purchasing the property and/or staying on after their lease expires. Mr. Russell stated that the alternative would be to wait 6 years until the lease for Lunardi's expires and not do anything with the site until then. He feels that it would be a better option for the City to at least approve the project before them now and hope Lunardi's carries forth with maintaining their current location. He believes this project will help encourage Lunardi's to stay put.

Commissioner Petersen stated that the applicant's proposal has a lot of merit. He complimented the applicant on the look of their structures and the amount of on-site parking. He also stated that there is absolutely no way to know what Lunardi's will do in the future, so this project should be looked at aside from that fact. Mr. Russell thanked Commissioner Petersen for his remarks.

Commissioner Petersen stated that the only people who will be adversely affected by this proposal are the small business owners in the center. He said that at least there is some time for these small businesses to move forward with relocation plans, and he has found that small businesses can be very resourceful. Mr. Russell stated that he believes he has done as much community outreach as is possible, and that is reflected by the fact that the only people in attendance at the meeting tonight are the tenants.

Chair Sammut asked why the \$250,000 loan to Lunardi's for façade improvements is being funneled through the City instead of directly to between the developer and Lunardi's. Mr. Russell stated that he did not know why exactly. He stated his preference to deal with the City rather than directly with Lunardi's. Chair Sammut asked for clarification as to how the proposed loan came about. Mr. Russell stated that after the Architectural Review Committee meeting, Staff asked what the applicant could do to help ensure that Lunardi's would move forward with some sort of façade improvement. This loan is being proposed as a partial solution to that problem. City Attorney Thompson stated that it was the developer's preference to deal with the City than directly with Lunardi's.

Chair Sammut stated that he still did not understand why the City would want to put itself in the position to assume this loan and act as a middle-man. Mr. Russell stated that the development agreement could be amended to loan the money directly to Lunardi's rather than through the City. He also asked about other storefront improvement programs that the City sponsors. City Attorney Thompson stated that the City does in fact have other façade improvement programs, and the advantage of the City acting as the middle man in this case would be to give the City some control over how the funds would be utilized.

Commissioner Johnson asked who would be responsible if Lunardi's were to default on the loan. City Attorney Thompson stated that since the loan would be between the developer and the City, the City would be responsible if Lunardi's were to default on it.

Commissioner Chase stated his understanding that the City would be able to look at and approve the proposed storefront renovations if they held the loan. He also stated that if Lunardi's were to default, there are legal mechanism that could be used to go after them, but that we are getting a bit ahead of ourselves at this point. City Attorney Thompson clarified that if the City did loan Lunardi's the money, they would enter into an agreement that would state how that loan would be repaid.

Commissioner Petersen asked if a public is still required, and if now would be an opportune time to move into that. Chair Sammut asked if there were any additional questions for the applicant, and seeing none, he opened the public comment period.

Sharon Thon, Claremont Drive, stated that she had attended a community meeting on this project. She stated that she is not against the project, but just feels it is too dense. She stated that she had mentioned this to the developer several months ago, and that the developer did not feel it was dense enough. She is also worried about potential traffic impacts this project may create. She stated her appreciation with the modifications the developer has made to lengthen the driveways in order to



accommodate vehicles. She also stated her concerns that there will only be sidewalks on one side of the street, and that there will only be 12 parking spaces outside of the actual homes provided on site. She also worries about potential difficulties for access by emergency vehicles. She is pleased that there will be a homeowners association because the wind in that area will create landscaping issues that will need to be continually monitored. She mentioned the possibility of condos being built across the street, and believed that that may create additional traffic problems.

Chair Sammut stated that the street had been widened to accommodate emergency vehicles.

The microphone was not functioning for the next speaker; thus the speaker's comments could not be heard.

The microphone began functioning again shortly into the next public comment. A gentleman representing various construction trade unions spoke in support of the developer and this project. He praised the developer for their quality of construction and their continued use of union labor.

Chair Sammut asked the City's design consultant, Larry Cannon, to speak generally about the project. Mr. Cannon stated his high level of respect for the architecture firm that has designed the project. He stated that his concerns at this time were primarily regarding parking, as a 16' driveway would not be able to accommodate a vehicle larger than a Ford Mustang.

Public comment closed.

#### **Motion to recommend adoption of PC Resolutions 2005-04, 2005-05, and 2005-06.**

##### **Johnson/Chase**

Housing and Redevelopment Manager Sullivan recommended the inclusion of an additional condition to require the developer to coordinate the construction schedule with Lunardi's so as not to interrupt service at the market. The applicant agreed with this condition, and the motion maker and seconder agreed to include it in the motion.

Commissioner Petersen asked the applicant to make sure they consider the exposure to the elements while designing and construction this project. Commissioner Johnson stated that some of those concerns were addressed at the Architectural Review Committee meeting.

Roll Call Votes (separate for each resolution):

##### **Resolution 2005-04**

<b>Sammut:</b>	<b>Aye</b>
<b>Mishra:</b>	<b>Aye</b>
<b>Biasotti:</b>	<b>Abstain (recused)</b>

**Marshall: Aye**  
**Chase: Aye**  
**Johnson: Aye**  
**Petersen: Aye**

#### **Resolution 2005-05**

**Sammut: Aye**  
**Mishra: Aye**  
**Biasotti: Abstain (recused)**  
**Marshall: Aye**  
**Chase: Aye**  
**Johnson: Aye**  
**Petersen: Aye**

#### **Resolution 2005-06**

**Sammut: Aye**  
**Mishra: Aye**  
**Biasotti: Abstain (recused)**  
**Marshall: Aye**  
**Chase: Aye**  
**Johnson: Aye**  
**Petersen: Aye**

All three resolutions pass unanimously.

Chair Sammut advised of a 10-day appeal period.

### **9. City Staff Discussion**

Planning Manager Akin stated that there will not be an Architectural Review Committee Meeting on July 28<sup>th</sup>, so there is no need to choose members for the next Architectural Review Committee meeting at this time.

### **10. Planning Commission Discussion**

Commissioner Johnson stated that she took offense to inappropriate comments being made by speakers tonight. She cited terms such as “urban jungle,” “money-making business” and “transient hotel”. Through her years as a Commissioner, she has heard comments of all types, be they racist, ageist, classist, or otherwise, and asked if there is any way the notifications could include text stating that inappropriate comments are not to be stated at the meeting. Planning Manager Akin stated his agreement with Commissioner Johnson, and differed to City Attorney Thompson in answering the request. City Attorney Thompson stated that staff can look into preparing some suggested guidelines to speakers as to what is an appropriate way to handle themselves when at the podium. However, members of the public do have a First

Amendment right to speak their mind so long as they do not cross a line where they are inciting violence. She stated that the most effective way to address comments such as these is to politely state a disagreement with terms or ideas that are expressed. Commissioner Johnson stated her observations of other Cities where cards are filled out by speakers that seem to instill a level of formality in the proceedings. City Attorney Thompson stated that suggested guidelines could accomplish this, but that under the Brown Act, a speaker can remain anonymous if they so desire.

Chair Sammut stated that he had gone on a site-visit with Planning Manager Aknin on San Bruno Avenue East, between U.S. 101 and the railroad tracks to address appearance issues. Since then, he has seen a few of the worst offenders cleanup. He stated that dead lawn, even if it is mowed, is not appropriate landscaping. He believes that the site visits conducted were effective. He thanked Planning Manager Aknin for his efforts, who in turn thanked Chair Sammut.

Commissioner Mishra requested to the commissioners that once a recommendation is made, that discussion be ceased until a determination on that recommendation is arrived at. Chair Sammut stated that he will take better charge of that in the future. Commissioner Johnson asked for clarification on Commissioner Mishra's request. Commissioner Mishra stated that there have been occasions where the Commission will continue to provide comments to the applicant while a recommendation is on the table.

Commissioner Chase stated that this is the reality of Robert's Rules of order, and Chair Sammut stated that he will attempt to better enforce those rules in the future.

## **12. Adjournment**

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**Aaron Aknin**  
Acting Secretary to the Planning  
Commission  
City of San Bruno

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**Joe Sammut**, Chair  
Planning Commission  
City of San Bruno

NEXT MEETING: August 2, 2005

AA/af

Meeting was adjourned at 10:08pm